

Lamprey River Instream Flow Pilot Program

**January 21, 2005
WMPAAC Meeting
Raymond Fire Department
NHDES**

AUG 27 2003

Presentation topics

- Acronyms
- Program history and summary
- Instream Flow Rules (PISF study and WMP)
- Role of the committees (TRC and WMPAAC)
- Role of Consultant Selection Committee

LOA (List of Acronyms)

- DR – Designated River
- ISF – Instream Flow
- PISF – Protected ISF (study)
- TRC – Technical Review Committee
- WMPA – Water Management Planning Area (DR's watershed)
- WMPAAC – WMPA Advisory Committee

History and Summary of ISF

- Rivers Management and Protection Program (RSA 483) enacted by Legislature in 1988
- Protection measures added to RMPP and first rivers designated in 1990
- RSA 483:9-c.I The commissioner... shall adopt rules ... specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment.

Pilot Program created (2002)

- Chapter 278, Laws of 2002 sets requirements for committees and pilot program
- Required ISF Rules for Lamprey and Souhegan (Rules effective May 2003)
- Funding available for Souhegan River September 2003
- Funding available for Lamprey River and DES staff January 2005
- Legislative oversight and approval before general application to other designated rivers

Concepts for Instream Flow

- **Riparian Rights:** Owners of streamside property have a right to “reasonable use”
 - No hierarchy of uses/ all must share
 - Instream Public Trust uses must be protected
- **Public Trust Doctrine:** The state holds the public trust for certain instream uses
 - Fishing
 - Biological integrity
 - Swimming and Boating

Lamprey-specific information

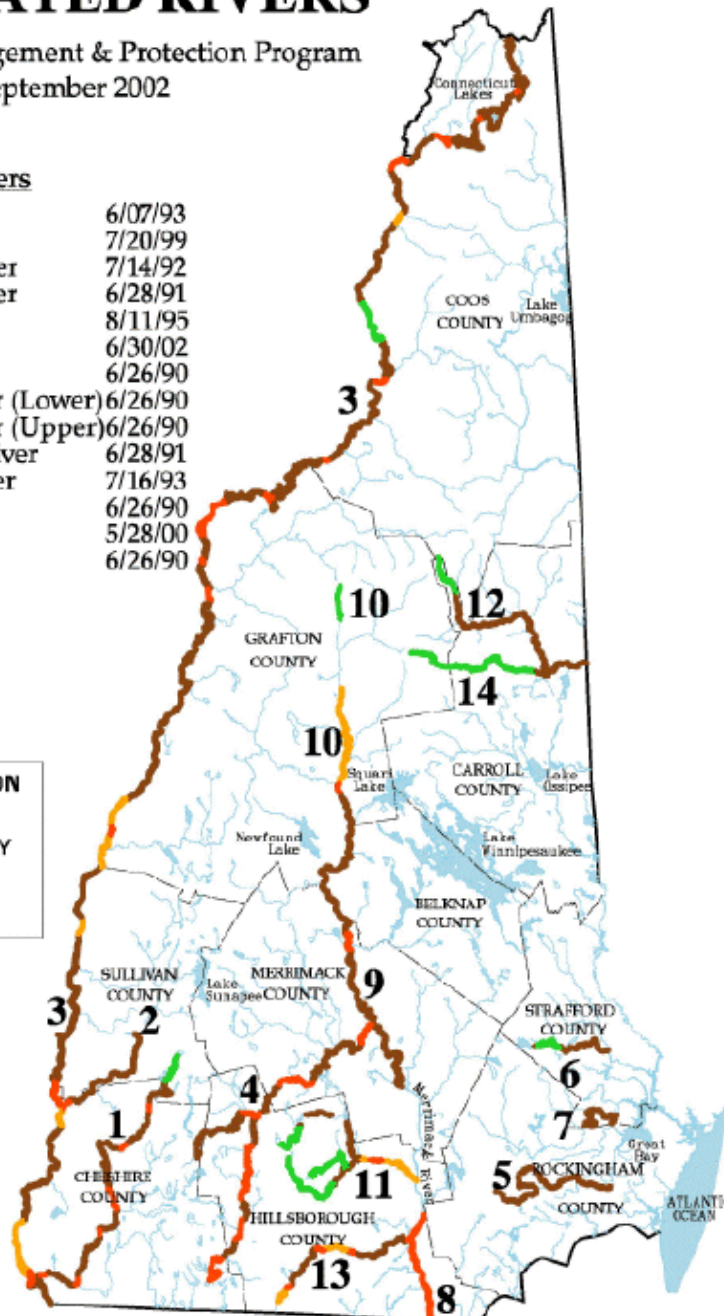
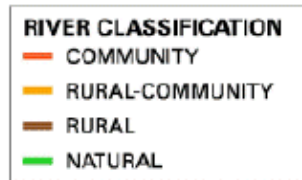


DESIGNATED RIVERS

NH Rivers Management & Protection Program
September 2002

Designated Rivers

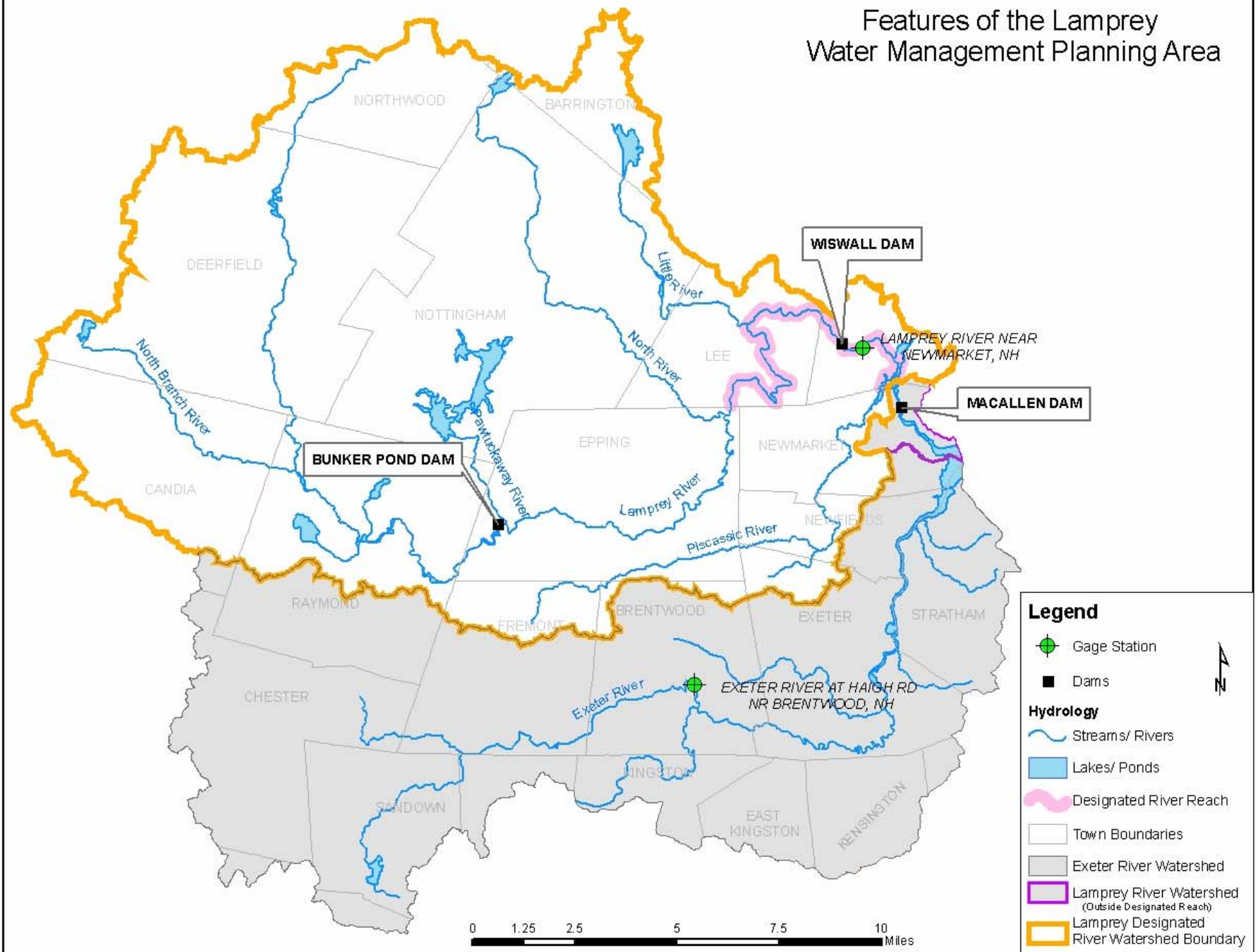
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|-----|-------------------------|---------|
| 1. | Ashuelot River | 6/07/93 |
| 2. | Cold River | 7/20/99 |
| 3. | Connecticut River | 7/14/92 |
| 4. | Contoocook River | 6/28/91 |
| 5. | Exeter River | 8/11/95 |
| 6. | Isinglass River | 6/30/02 |
| 7. | Lamprey River | 6/26/90 |
| 8. | Merrimack River (Lower) | 6/26/90 |
| 9. | Merrimack River (Upper) | 6/26/90 |
| 10. | Pemigewasset River | 6/28/91 |
| 11. | Piscataquog River | 7/16/93 |
| 12. | Saco River | 6/26/90 |
| 13. | Souhegan River | 5/28/00 |
| 14. | Swift River | 6/26/90 |



NHDES National Management Bureau

NH Rivers Management and Protection Program (RSA 483)

Features of the Lamprey Water Management Planning Area



Lamprey River WMPA

- Covers 212 miles² (173 upstream of DR)
- 12 miles of Designated Reach
- DR classified as Rural under RMPP
- One active stream gage (near Packers Falls)
- 22 affected dams (Wiswall only one in DR)
- Eight affected water user facilities with 17 sources or discharges

Instream Flow Rules

- **Protected Instream Flow Study**
 - Identify protected entities
 - Define protected flow levels for them
- **Water Management Plan**
 - Each water user and dam owner has an plan
 - Conservation Plan
 - Water Use Plan
 - Dam Management Plan

IPUOCR_s

- Flow-dependent, protected entities – **I**nstream **P**rotected **U**ses, **O**utstanding **C**haracteristics, and **R**esources (See your binder)
- IPUOCRs define the flow assessments that will be needed



Protected Entities

- Recreation
- Fisheries
- Open space
- Natural resources
- Storage
- Wildlife
- Rare species or habitat
- Vegetation
- Cultural resources
- Aquatic and fish life
- Hydrologic resource
- Fish & wildlife habitat
- Geologic resource
- Water quality
- Pollution abatement
- Aesthetic beauty
- HE energy production
- Agriculture
- Public water supply
- CWA Designated Uses

PISF activities

- Research documents to identify IPUOCR
- On-stream survey for IPUOCR
- Identify and use appropriate PISF assessment methodologies
- Prepare draft Proposed PISF document
- Take Proposed PISF document before public
- Revise Proposed PISF to final document

WMP activities

- Use established PISF to evaluate existing conditions
- Interview AWUs and ADOs
- Develop list of alternatives for each sub-plan
- Develop costs for each alternative
- Select alternatives that meet PISF & WQ rules
- Propose draft WMP
- Take Proposed WMP document before public
- Revise Proposed WMP to final document

Water Users and Dam Owners

- AWUs – water users required to be registered and having a withdrawal or return location within 500 feet of a designated river or tributary
- ADOs – dam owners with an impoundment with a surface area greater than 10 acres

TRC and WMPAAC responsibilities



Technical Review Committee

- *Qualifications:* Education or experience in water resources management or protection
- *Duties:* - Advise the department on the preparation and conduct of the protected instream flow studies
 - Submit annual progress reports

TRC role in Lamprey PISF

- Represent stakeholders
- Advise DES on PISF study methods and results
- Review and comment
 - IPUOCR entities list
 - GW withdrawal assessment method (TRC)
 - PISF methods (TRC)
 - Draft Proposed PISF values
- Public hearing

TRC Composition

- NH Fish and Game (1)
- US EPA (1)
- US Fish & Wildlife (1)
- USGS (1)
- Technical representatives of business interests (4) [municipal water supplier]
- Technical representatives of conservation interests (4)
- 2 ex-officio representatives of the NH General Court

WMPA Advisory Committee

- *Qualifications:* Members shall represent a local entity
- *Duties:*
 - To provide information towards the completion of protected instream flow studies and water management plans
 - To review and comment on WMPs
 - Submit annual progress reports

WMPAAC Composition

- LRMAC representatives (2)
- Affected business water users (4)
- Local conservation commission member (1)
- Local government officials (3)
- Local recreational use representative (1)
- Local citizen (1)
- Local representative of conservation interests (1)
- Local state senator (1)
- Local state representative (1)
- Local representative of a lake association (1)
- Local public water supplier (1)
- Local affected dam owner (1)
- Local affected agricultural water user (1)

WMPAAC role in Lamprey Pilot

- Represent yourself and your stakeholders
- Provide information to DES toward PISF implementation and WMP development
- Review and comment on WMP
 - Alternatives for WMP sub-plans (list and costs)
 - Draft Proposed WMP (schedule added to alternatives)
- Assist DES in hearings on PISF and WMP

Consultant Selection Committee members' role in ISF contracting

- Review qualifications packages from consultants (now)
- Participate in ranking consultants' Q&E (February 7 at NHDES at 10:30)
- Review proposals and participate in interviews to rank consultants (Early March meeting at DES)



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<http://www.des.state.nh.us/rivers/instream/>